

## PLANNING AND ZONING COMMISSION MINUTES

April 3, 2014

7:00 p.m.

### A. Call to Order (7:15):

1. Members Present: Hank Bagelmann, Chairperson; Richard Dane, Vice-Chairperson; David Huser; Kathy Olson.

Members Absent: Barb Anderson; Susan Franke; Bill Wilson

City Officials: Ben Kohout, Secretary; Tim Kangas, City Council Liaison; Edith Waldstein, City Council Liaison.

2. Approval of Agenda:

Motion By: Huser

Seconded By: Dane

Move that the agenda be approved as printed.

Yes: 4

No: 0

Absent: 3

3. Approval of Previous Minutes:

Motion By:

Seconded By:

Move that the minutes of the February 6, 2014 Planning and Zoning Commission meeting be approved.

Yes: 4

No: 0

Absent: 3

4. Communications: Planning and Zoning Commission – *Meeting Cancelled for March 6, 2014*

### B. Public Hearings:

### C. Regular Business:

1. Set Public Hearing for Special Provisional Use request to Place a Stable for Horses Owned by the Property Owner in the A-1 Zoning District in SE Waverly.

Kendall Fox and Kim Fox, property owners at 1005 12<sup>th</sup> Street SE, are applying for a special provisional use permit for the proposed usage of stabling horses and riding arena on their property. Per the City Code, stable usage requires applying for a special provisional use and City Council review following a public hearing conducted by the Planning Commission. Commercial stables, where horses are boarded for compensation or riding instructions, are prohibited by this special provisional use process. The Planning Commission will review the request and establish a place, date and time for said public hearing.

Mr. Kohout clarified for the Commission in speaking with the applicant, it was disclosed that stabling of horses was established in a structure after 1971 and never came forward for a special provisional use. In order to further continue this usage, the Code mandates that the Code be met for all uses established following the Code adoption in 1971. Staff will hold back on approving the permit for the structure that will be used as an accessory use riding arena until the stabling use age is formally approved in order to meet the City Code.

Mr. Kendall Fox presented his plans to the Commission. The existing building on the property never acquired a special provisional use to stable horses.

The building will be used as a riding arena and accessory use storage for hay, equipment storage and up to three cows which will use the surrounding pasture land. Mr. Fox stated his plans include observing the minimum required setback of 100 feet from all property lines and would be approximately 180 feet from the north property line. Mr. Fox confirmed for the Commission he has been in contact with the Public Works office on the proposed location in proximity to the future roadway corridor planned for Cedar River Parkway.

Motion By: Dane

Seconded By: Huser

Move that the Planning Commission set a public hearing to hear a special provisional use request for a horse stable usage of the property owner only at 1005 12<sup>th</sup> Street SE to be held on May 1, 2014 at 7:00pm in the Waverly City Council Chambers.

Yes: 4

No: 0

Absent: 3

2. Review and Recommend on Minor Subdivision Plat for New Parcel out of 1504 4<sup>th</sup> Street SW.

Ms. Elizabeth Bixby, representative of property owners of 1504 4<sup>th</sup> Street SW, in conjunction with their surveyor, Hoodjer Land Surveying, are requesting to subdivide their property to form a new 127.5 feet by 254 feet parcel totaling 32,390 square feet in size. The new parcel would be west of the current Waverly Veterinary Clinic building and is being proposed to being accessed by means of a privately maintained 60 foot wide easement of access off of 4<sup>th</sup> Street SW through the southern portion of the Waverly Veterinary Clinic property. The property is zoned as C-2, General Commercial, and the CLUP shows this property as Commercial.

Mr. Kohout presented the plat as supplied from the surveyor and noted the lack of public road access.

Ms. Bixby confirmed for the Commission they plan to sell the property with the current Veterinary Clinic building adjacent to 4<sup>th</sup> Street Southwest without the proposed new lot. Ms. Bixby further confirmed they plan to either use the resulting property themselves to build a structure for their veterinary clinic business or sell it for another C-2 type of use age.

Ms. Bixby stated the property needs to be researched further for public water and sewer main connections to service any future building on the resulting parcel. Mr. Kohout confirmed further discussions with the applicant would ensue prior to being presented to the City Council to formalize the connection points from existing City infrastructure.

Mr. Kohout confirmed for Commissioner Olson any private easement proposed may allow for access to the resulting parcel and the request does not specify the type of roadway surface.

Motion By: Huser

Seconded By: Dane

Move that the Planning Commission recommend the proposed 32,390 square foot parcel shown on the plat submitted by Hoodjer Surveying dated February 14, 2014.

Yes: 4

No: 0

Absent: 3

3. Review of Code regulations on buffer requirements between different land uses.

The CLUP refers to an action item of updating the Zoning ordinance to provide for substantial buffers between residential and non-residential land uses. Staff is seeking input from the Commission on what ideas may be proposed to address this. This is a continuation from the February 6 Commission meeting.

Mr. Bagelmann stated his desire to move the discussion on this item to the May Commission meeting in order to allow Staff further research into the matter and to allow new Commission members to become more familiar with this item.

Motion By:

Seconded By:

Move that the Planning Commission move this discussion to the May 1 Commission meeting.

Yes: 4

No: 0

Absent: 3

Discussion between the Commission and Mr. Kohout ensued regarding how records of past discussions are kept. Mr. Kohout confirmed for the Commission paper minutes in the archives are the official record of past discussions and that recent recordings are kept for around a period of one year prior to being recorded over, in an attempt to save on space and resources.

4. Review of Intergovernmental Agreements between City of Waverly, Bremer County and Shell Rock.

These agreements are reviewed every five years and new maps are proposed to address developmental patterns between the corporate boundaries of Waverly, Shell Rock and the unincorporated areas of Bremer County within two miles of each other. These agreements are going before the City Council of Waverly, City Council of Shell Rock and the Board of Supervisors for Bremer County. This will occur in April before being forwarded to the Iowa Secretary of State after being recorded to fulfill Iowa State Law.

Mr. Bagelmann presented the staff recommended map, which shows a need to include annexed areas since 2009, which include the "Champions Ridge" area located west of the CUNA building along Highway 3 and the "St. Mary Church" property located on the east side of Horton Road.

Mr. Bagelmann confirmed with Mr. Kohout the map presented will need to be referenced and compared with Planning Commission comments from 2010. Comments were referenced of including additional areas into "Area 1". Mr. Bagelmann recommended evaluating previous minutes to finalize these boundaries and to work with the Bremer County Board of Supervisors to finalize this prior to Council considering this item on the agenda. Mr. Kohout confirmed for the Commission further review of the minutes would occur and that changes reflecting these previous comments will be made and presented to the Council.

Mr. Huser confirmed with Mr. Kohout the City of Shell Rock 28E agreement reflects Shell Rock desiring to waive subdivision review rights and the City of Waverly also desires to waive subdivision review rights. Mr. Huser supports this version and recommends this be moved forward as previously adopted in 2009.

Mr. Huser supports the City of Waverly and Bremer County 28E agreement being reviewed further by staff to better identify the inclusion of areas discussed by Mr. Bagelmann.

The Commission expressed support of allowing the Shell Rock and Waverly agreement to move forward.

Mr. Kohout confirmed for the Commission staff is seeking further guidance on the Bremer County and Waverly 28E agreement to include any other thoughts that the City of Waverly may wish to seek with Bremer County.

Mr. Dane stated support of staff reviewing other City and County agreements in Iowa in order to review the current effectiveness of the 28E agreement terms between Waverly and The County adopted in 2009. Mr. Dane supports a more streamlined agreement that may get away from the three (3) areas and guidelines currently contained in the ordinance, if it would ultimately be in the City's best interest. Mr. Dane supports further review of the guidelines in Area 1, which mandates City services be provided and development standards meet minimum City design and subdivision ordinances. Mr. Dane finds mandating a connection for the City in order to fully approve a subdivision request may not be the only way in serving the City's interest. Mr. Dane supports a policy agreement that allows for more housing within two miles, even when the County may disapprove of housing that may benefit Waverly. Mr. Dane supports a policy that includes terms the County could find acceptable.

Mr. Huser commented that Bremer County subdivision requests approved along County Highway C-33 and Dakota Avenue are examples where development has occurred within two miles of Waverly that may have met housing demand in and around Waverly that ultimately benefits Waverly. A Bremer County subdivision called "Shiloh" is an example of a subdivision the City should support as this development meets a housing need that may benefit Waverly.

Mr. Kohout confirmed for the Commission a policy direction will be sought on the City and County 28E agreement from the Council following the comments received at this Commission meeting. Mr. Kohout will seek to have the Council determine if they wish the Commission to comment further, as staff finds sufficient policy recommendations have been gathered through this meeting.

D. Old Business:

1. The Comprehensive Land Use Plan (CLUP) refers to an action item of updating the Waverly Code of Ordinances to allow for a variety of housing types and locations.

Staff sought input from the Commission at the February 2014 meeting that could assist with this goal of providing diversity in the type, density and location of housing within Waverly.

Staff is currently working on lining up a housing study that may address this and will bring this item back for further input when more information comes forward.

Mr. Bagelmann referenced the February 2014 Commission meeting that with regards to studying future housing and the CLUP housing goals, Mr. Bagelmann desires the Commission to be given further direction from the Council on the Planning Commission's role in this subject.

Mr. Bagelmann stated support of a separate housing commission to be established, comprised of members in the multiple disciplines in housing development, in order to better implement a housing study outside of hiring a consultant, if possible. Mr. Bagelmann supports further Council policy direction in how to best fulfill the CLUP housing study goals and action items, if warranted.

Ms. Olson confirmed with Mr. Kohout housing studies in other communities are typically handled by hiring outside consultants to study and prepare a report to reflect input from elected officials, City staff, and citizens on the goals and action items to accomplish a comprehensive housing study. Mr. Kohout also stated some communities have completed their own studies when staff time is available.

Mr. Kangas confirmed for the Commission two Council members were appointed as liaison to the Planning Commission. Mr. Kangas further confirmed for the Commission the Mayor has noted a desire to increase the number of Planning Commission members from seven to nine in order to possibly pursue other committee groups that may study items such as the housing policy question. Mr. Kangas continued that formal resolution indicating an increase to nine members has not been approved by the Council.

Mr. Huser does not support a new separate housing commission to address the purpose of performing and evaluating housing conditions in Waverly as he finds there was sufficient meetings on the matter in the formulation of the CLUP.

E. New Business:

1. Mr. Kohout noted for the Commission a strategic vision document was finalized by community members on March 29 which established a vision statement for Waverly as "A college river town, rich in German heritage."

Mr. Kohout advised the Commission this document will further address and guide future policy decisions by the Council and aim to brand Waverly and better highlight a common message for those in the Community and those looking at the community.

2. Mr. Dane confirmed with Mr. Kohout the rental property ordinance is still being finalized by incorporating comments received by landlords from a meeting held in March 2014 prior to being presented to Council in final ordinance form. Mr. Kohout further advised the Commission a municipal infraction ordinance is desired to be included either at the same time as a rental ordinance or shortly before in order to be better set up to respond to non-compliance.

Ms. Waldstein confirmed with Mr. Kohout that the format of the ordinance would refer to the International Property Maintenance Code (IPMC 2012) only and not reference specific line items to be more stream lined.

Mr. Dane stated support of staff presenting an ordinance to Council for formal action in short order.

Mr. Kangas confirmed for the Commission following recommendation at the Planning Commission and at the Council study session in late 2013, rental property owners expressed a concern over the proposed fee structure for registration and inspections. Mr. Kangas noted staff completed a meeting with rental property owners in March 2014 to address this.

Mr. Kohout summarized the process of rental ordinance review and that staff is aiming to present to Council soon.

F. Adjournment:

Motion By: Huser

Move that the Planning and Zoning Commission meeting be adjourned.

Meeting adjourned at 8:30 p.m.

Respectfully Submitted,

Ben Kohout, Secretary